FBI May Waive Fee On Rosenberg Data

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The Justice Department is considering waiving more than $23,000 in fees and releasing the long-secret FBI files on the Rosenberg espionage conspiracy case.

A new request for access to the papers, including extensive FBI agents' memoranda on the case, is under scrutiny by FBI Director Clarence M. Kelley and Justice Department officials. They indicated a decision would be reached this week.

The FBI is under a court order to turn over some 30,000 pages of material on the case, which ended in 1953 with the execution of Julius and Ethel Rosenberg. The bureau has set the cost of locating the documents and duplicating them at $23,000.

The suit to obtain the material was brought under the Freedom of Information Act by Robert and Michael Meeropol, sons of the Rosenbergs, who hope disclosure will show their parents were framed by the government.

Yesterday a new formal request was filed with Kelley by Emily Alman, chairman of the Sociology Department at Douglas College of Rutgers University, who is writing a book on the Rosenberg case. Her request for a waiver of the search fees was presented to Kelley yesterday afternoon.

Disclosure of the documents also was under consideration by Justice Department officials who were said to favor making them public soon. They had begun considering release of the papers even before the Alman request, spokesmen said.

Alman and Marshall Perlin, an attorney for the Rosenbergs' sons, met with FBI officials yesterday but were refused permission to examine the documents before deciding whether to try to purchase them. If made available to Alman, the material would become public and open to examination by anyone.

The Freedom of Information Act says that any agency may decide to waive the costs of providing documents if they are considered to be in the public interest.

Perlin told reporters that the material is of general interest to "all Americans" and added "if anyone should not be charged" a fee "it is the children of Julius and Ethel Rosenberg."

Alman was not a litigant in the Rosenberg sons' suit but had entered a request in 1974 to see the FBI material for preparation of her book. She said yesterday she could not afford the search fee levied by the FBI.